

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TONY LYNN RICHARDSON, JR.,)
Plaintiff,)
v.)
ERIE POLICE DEPARTMENT,)
Defendant.)
C.A. No. 20-264Erie
District Judge Susan Paradise Baxter
Magistrate Judge Richard A. Lanzillo

MEMORANDUM ORDER

Plaintiff Tony Lynn Richardson, Jr., initiated this *pro se* civil rights action on September 10, 2020, by filing a motion to proceed *in forma pauperis* (“ifp motion”) [ECF No. 1], with an accompanying complaint, that has not yet been filed, alleging that unidentified police officers failed to adequately treat his medical condition while effectuating his arrest; however, the only Defendant named in this complaint is the Erie Police Department.

This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. Rather than recommend that this case be dismissed pursuant to 28 U.S.C. § 1915(e), because the Erie Police Department is not a proper defendant in an action under 42 U.S.C. § 1983, Judge Lanzillo entered an Order on March 25, 2021, directing Plaintiff to file an amended complaint on or before April 30, 2021, stating cognizable claims against appropriate individuals or entities or suffer dismissal of this case [ECF No. 4].

After four months passed without receiving any response from Plaintiff, Judge Lanzillo

issued a Report and Recommendation ("R&R") on July 28, 2021, recommending dismissal of this case for Plaintiff's failure to prosecute [ECF No. 6]. Service of the R&R was made on Plaintiff at his address of record, via first class United States mail. Objections to the R&R were due from Plaintiff by August 16, 2021; however, Plaintiff has failed to file any objections to date.

After de novo review of the documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 17th day of August, 2021;

IT IS HEREBY ORDERED that this case is DISMISSED for Plaintiff's failure to prosecute. The report and recommendation of Magistrate Judge Lanzillo, issued July 28, 2021 [ECF No. 6] is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.



SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge

All parties of record